

1 THE HONORABLE
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 JAMES B. EDWARDSON,

11 Plaintiff,

No.

12 NOTICE OF REMOVAL

13 v.

14 CALIBER HOME LOANS, NATHAN F.
15 SMITH, MITZI JOHANKNECKT, HUGO
16 ESPORZA,

17 Defendants.

18 TO: The Clerk, United States District Court
19 for the Western District of Washington at Seattle

20 **I. REMOVAL OF STATE COURT ACTION**

21 Defendant Caliber Home Loans, Inc. ("Caliber") is a party in the above-entitled civil action
22 commenced on May 15, 2019, and still pending in the Superior Court of the State of Washington
23 for King County, as Cause No. 19-2-13119-5 KNT. Through this Notice, Caliber prays that this
24 action be removed to this Court from the Superior Court of the State of Washington for King
25 County. All properly served defendants join in this prayer for removal. *See Destfino v. Reiswig*,
26 630 F.3d 952, 956 (9th Cir. 2011) (only defendants "properly ... served in the action" must join in
prayer for removal).

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NOTICE OF REMOVAL (No.) – 1

Perkins Coie LLP
505 Howard Street, Suite 1000
San Francisco, CA 94105-3204
Phone: 415.344.7000
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II. BASIS FOR JURISDICTION IN FEDERAL COURT

A. Federal Question Jurisdiction

a. Plaintiff's Complaint alleges that Defendant Caliber is involved in fraudulent lending practices, in violation of §17152-23 Home for Home Owners Program, 305 (a)(2) of the Federal Mortgage Corporation Act 12 U.S.C. § 1454; 12 U.S.C. § 1709(b) and 12 U.S.C. § 2605.

b. This Court therefore has original jurisdiction over the subject matter of this action under 28 U.S.C. § 1331 as plaintiff's claims arise under the Constitution, laws or treaties of the United States.

B. Propriety of Removal

This action is removable to this Court under 28 U.S.C. § 1441 because this Court would have had original jurisdiction over plaintiff's claims had plaintiff elected to file the action initially in federal court. This Court is the United States District Court for the district and division embracing the place where the state court action is pending, and is therefore the appropriate court for removal pursuant to 28 U.S.C. § 1441(a).

C. Receipt of Initial Pleading and Timeliness of Removal

Defendant Caliber has not been served with plaintiff's Summons and Complaint but received a courtesy copy on May 29, 2019. This notice is filed within thirty (30) days of such receipt as required by 28 U.S.C. § 1446(b)(1), (2)(B).

D. The State-Court Complaint and other Pleadings

Attached to this Notice is a true copy of the Complaint which plaintiff filed in the action pending in state court. All other process, pleadings or orders served on defendant or filed in the state court in this action will be filed, together with the verification of defendant's counsel, within 14 days of the filing of this Notice, as required by Local Rules W.D. Wash. LCR 101(b).

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2 DATED: June 6, 2019
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By: s/ Thomas N. Abbott, WSBA # 53024
Attorneys for Defendant
CALIBER HOME LOANS, INC.

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NOTICE OF REMOVAL TO FEDERAL
COURT (No.) – 3

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CERTIFICATE OF SERVICE
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I hereby certify that on June 6, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

And I hereby do certify that I have mailed by United States Postal Service the document to the following non CM/ECF participants:

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12 **Non ECF Service List**
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In Pro Se Plaintiff
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